

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

NORTH CAROLINA MUTUAL LIFE)
INSURANCE COMPANY,)
Plaintiff,)
v.)
McKINLEY FINANCIAL SERVICES)
INC., and JAMES McKINLEY,)
Defendants.)

)

1:03CV00911

ORDER

For the reasons set forth in the contemporaneously filed Memorandum Opinion, summary judgment on Plaintiff's breach of contract, negligent misrepresentation, and indemnification claims is GRANTED in favor of Defendants. Summary judgment is not entered as it relates to Plaintiff's claim that MFS's alleged destruction of documents constituted a violation of N.C. Gen. Stat. § 75-1.1.

Additionally, Defendants' counterclaim for temporary and permanent injunctive relief is MOOT. Also Defendants' counterclaim for cancellation of instrument is MOOT. Summary judgment is not entered on Defendants' counterclaims for breach of contract and tortious interference with advantageous business relationships or contractual rights.

This the day of December 22, 2005

/s/ N. Carlton Tilley, Jr.
United States District Judge